

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 38

# HOUSE BILL 2020

AN ACT

AMENDING SECTION 45-411.01, ARIZONA REVISED STATUTES; RELATING TO ACTIVE  
MANAGEMENT AREAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 45-411.01, Arizona Revised Statutes, is amended to read:

45-411.01. Exemptions from irrigation water duties, conservation requirements for distribution of groundwater and portions of groundwater withdrawal fee for portions of Phoenix active management area; fee; review

A. Each person who is entitled to use groundwater pursuant to an irrigation grandfathered right under article 5 of this chapter on irrigation acres located within the area delineated for exemption under subsection E of this section is exempt, beginning January 1, 1989, from any irrigation water duties or intermediate water duties established or required to be established for those irrigation acres in the management plans for the first, second, and third AND FOURTH management periods for the Phoenix active management area adopted pursuant to article 9 of this chapter.

B. The Arlington canal company, the Buckeye water conservation and drainage district and the St. John's irrigation district, or their successors, are exempt, beginning January 1, 1989, from any applicable conservation requirements for the distribution of groundwater established in the management plans for the first, second, and third AND FOURTH management periods for the Phoenix active management area adopted pursuant to article 9 of this chapter.

C. No groundwater withdrawal fee shall be levied or collected pursuant to section 45-611 and no water quality assurance fee shall be levied or collected pursuant to section 45-616 for:

1. Groundwater withdrawn during calendar years 1989 through ~~2009~~ 2019 for irrigation use on irrigation acres within the area exempted from irrigation water duties and intermediate water duties under subsection A of this section.

2. Groundwater withdrawn and used in the area delineated for exemption under subsection E of this section during calendar years 1999 through ~~2009~~ 2019 for a non-irrigation use pursuant to section 45-519, subsection B, if the user of the groundwater pays a fee of five hundred dollars to the director by March 31 of each year following a year in which the groundwater was used. The director shall deposit, pursuant to sections 35-146 and 35-147, the monies collected under this paragraph in the water quality assurance revolving fund established by section 49-282.

D. Except as provided in subsection G of this section, a water duty exemption fee of twenty-five cents per irrigation acre per year shall be paid to the department for each irrigation acre in the exempted area. The water duty exemption fee shall be paid to the department no later than March 31 of each year from 1990 through ~~2010~~ 2020 for the preceding year by each person who owns irrigation acres within the exempted area as of December 31 of the year preceding the date the payment is due except that, if the Arlington

1 canal company, the Buckeye water conservation and drainage district or the  
2 St. John's irrigation district, or a successor, delivers water to the  
3 irrigation acres during the year preceding the date payment is due, the fee  
4 shall be paid by the company or district delivering water to the irrigation  
5 acres. If a person who is required to pay a fee pursuant to this subsection  
6 fails to pay the fee for the calendar year in question on or before March 31  
7 of the following year, the director may assess and collect a penalty of ten  
8 per cent of the unpaid fee, without compounding, for each month or portion  
9 of a month that the fee is delinquent. The total penalty assessed under this  
10 subsection shall not exceed sixty per cent of the unpaid fee. The director  
11 shall deposit, pursuant to sections 35-146 and 35-147, all monies collected  
12 by the department under this subsection in the state general fund.

13 E. The boundaries of the exempted area under this section are  
14 delineated on a map of the Phoenix active management area filed in the office  
15 of the secretary of state on May 12, 1988. A true copy of the map filed in  
16 the office of the secretary of state shall be on file in the department and  
17 shall be available for examination by the public during regular business  
18 hours.

19 F. The director shall review the hydrologic conditions within the area  
20 delineated on the map filed in the office of the secretary of state pursuant  
21 to subsection E of this section. The director shall consult with  
22 representatives of the Arlington canal company, the Buckeye water  
23 conservation and drainage district and the St. John's irrigation district,  
24 or their successors, on the scope of the review before beginning the review  
25 and on the status of the review periodically during the course of the  
26 review. The director shall submit a recommendation to the governor, the  
27 president of the senate and the speaker of the house of representatives no  
28 later than December 15, 2005 2015 regarding extending the exemptions  
29 established in this section.

30 G. A person who owns an irrigation grandfathered right appurtenant to  
31 ten or fewer irrigation acres located in the exempt area is exempt from the  
32 payment of a water duty exemption fee for the acres prescribed by subsection  
33 D of this section unless the irrigation acres are part of an integrated  
34 farming operation. The exemption provided by this subsection does not apply  
35 to the Arlington canal company, the Buckeye water conservation and drainage  
36 district or the St. John's irrigation district, or any successor, in any year  
37 in which the company or district delivers water to the irrigation acres.

APPROVED BY THE GOVERNOR APRIL 3, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2001.

Passed the House February 5, 2001,

Passed the Senate March 28, 2001,

by the following vote: 48 Ayes,

by the following vote: 30 Ayes,

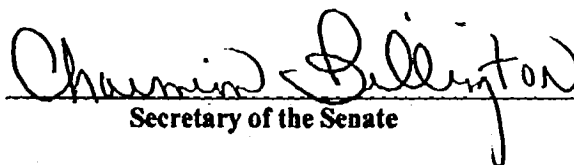
6 Nays, 6 Not Voting

0 Nays, 0 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of March, 2001,

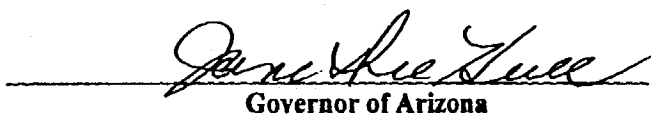
at 1:30 o'clock P M.

  
Secretary to the Governor

Approved this 3 day of

April, 2001,

at 8:00 o'clock A M.

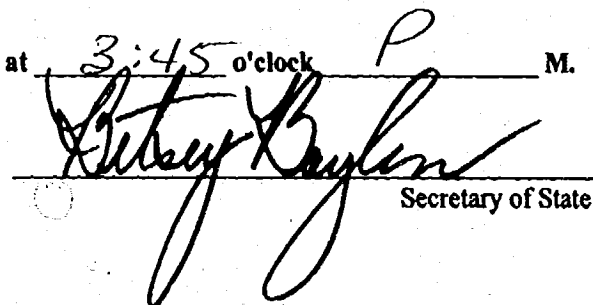
  
Governor of Arizona

H.B. 2020

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 3 day of April, 2001,

at 3:45 o'clock P M.

  
Secretary of State